

From: Dave Solomon
To: Microsoft ATR
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Subject: Microsoft Settlement

The current proposed settlement of the Microsoft antitrust case is not in the public interest, I strongly believe.

It opens a gaping loophole in the antitrust laws, through which Microsoft could, and almost certainly would, continue to abuse its monopoly market power in the huge market for Intel compatible personal computer operating systems.

This loophole, which I see as very dangerous, is at the end of the settlement text. It grants Microsoft sole discretion in deciding what is a part of the Windows (tm) product.

This loophole would allow Microsoft to determine, for example, that all of these things are part of the Windows operating system:

- o Internet Explorer (but _not_ Internet Explorer for Macintosh!), thus resolving, by corporate decree, a product tying issue that is still unresolved from the Microsoft antitrust trial and appeals court ruling;
- o email software (Microsoft may already have monopoly status in this market as well, by vice of their predatory pricing and bundling of their Outlook products);
- o anti-virus software, threatening several currently thriving products from Norton, McAfee, etc.;
- o graphics software along the lines of PhotoShop;
- o income tax preparation software, thus assimilating the flourishing market for income tax preparation software into Microsoft's Windows market.
- o any other new and popular software genre that develops in the future.

This case is highly visible and controversial, and was initiated under a major political party (the Democrats) that is now out of power in the executive branch of our government. This settlement proposal has all the earmarks of political convenience and expediency that it should not have, and none of the earmarks of thoughtfulness, thoroughness, and fairness that it should have.

Please give the current proposed settlement the rejection that it so richly deserves.

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